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Los Angeles Superior Court

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By: Moses Soto, Deputy

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

11 THE PEOPLE OF THE STATE OF CALIFORNIA,

12 Plaintiff,

13 vs.

14 NARBONNE AVENUE LIMITED PARTNERSHIP, a
15 California Limited Partnership; STEPHEN CHI-SEN
16 LI, an individual; AMY HUEI-MEI LI, an individual;
17 and DOES 1 through 50, inclusive,

18 Defendants.

Case No.: BC 6 00 7 36

COMPLAINT FOR ABATEMENT
AND INJUNCTION

[CIVIL CODE SECTION 3479, ET
SEQ.; BUS. & PROF. CODE
SECTION 17200, ET SEQ.]

[Unlimited Action]

20 PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

21 I. INTRODUCTION

22 1. This action ("Action") is brought and prosecuted by Plaintiff, the People of the
23 State of California ("People"), for the purpose of abating, preventing, and enjoining a gang-
24 related public nuisance existing at an apartment complex comprised of two side-by-side eight-
25 unit buildings located in the Harbor Gateway area of Southeast Los Angeles with addresses
26 commonly known as 819 and 825 W. 165th Place, Los Angeles, CA 90247 (the "Properties").
27 The Properties are directly across the street from a middle school, next door to a house of
28

1 worship,¹ and steps away from the Boys and Girls Club of Harbor Gateway Gardena. This
2 Action is brought pursuant to the Public Nuisance Law ("PNL"), California Civil Code sections
3 3479-3480, and the Unfair Competition Law ("UCL"), California Business and Professions
4 Code section 17200, *et seq.*

5 2. For well over a decade, the Properties have been, and currently are, an
6 established haven for the Gardena 13 criminal street gang ("Gardena 13" or "G13") that
7 members refer to as the "Pigeon Coop."² Groups of Gardena 13's members and associates
8 hang out daily in front of and inside the Properties, as well as in the Properties' adjoining
9 courtyard, front steps and parking lot, which reportedly reek of marijuana, regularly rolling and
10 smoking marijuana cigarettes, consuming alcoholic beverages, and overtly harassing,
11 intimidating and terrorizing the middle school students and their parents, "mad-dogging," or
12 staring them down, and throwing items at their cars as they go to and from school. Loiterers at
13 the Properties have been known to "hit on" and try to "pick up" female middle school students
14 who they attempt to lure inside the Properties. They are also known to confront male students,
15 aggressively and repeatedly asking them, "Where you from?" in an effort to determine if they
16 are gang affiliated.

17 3. The Properties have a well-known and long-standing reputation to law
18 enforcement officers as well as the surrounding community as a hangout and stronghold for
19 Gardena 13, a primarily Hispanic gang with about 150 active members. This is evidenced by
20 the layers of "tagging" and pervasive gang graffiti, both old and fresh, on all areas of the
21 Properties: fences, walls, doors, floors, trash cans, even the washer and dryer. Photos of the
22 Properties and graffiti thereon are attached hereto as Exhibit A.

23 4. Since 2008, the Los Angeles Police Department ("LAPD") has responded to the
24 Properties numerous times for drive-by shooting and shots fired calls. Since 2005, LAPD
25

26 ¹ The Environmental Charter Middle School – Gardena, a public middle school (6th through 8th grade),
27 and the First United Spiritualist Church are among the sensitive sites near the Properties.

28 ² The Properties are known as the "Pigeon Coop" because of the way the rear carports are caged in,
resembling a pigeon coop.

1 recovered four guns and many rounds of live ammunition from the Properties on at least eight
2 separate occasions, including a magazine with six hollow-point rounds.³ The guns and
3 ammunition were recovered at the Properties in: an open mailbox; a hole in the laundry room
4 drywall; the blue recycle bin in the carport; a trash can at the rear of the Properties; on the roof;
5 and, most recently, secreted inside an open air vent on the side of one of the apartment
6 buildings. In 2010, a known Gardena 13 associate hanging out with five other individuals was
7 arrested at the Properties for possession of a gun, recovered in the carport. When searching
8 for the gun, officers discovered several baggies of crystal methamphetamine and marijuana
9 wedged between water pipes in the carport.

10 5. Earlier this year, Gardena Police Department officers patrolling the area saw five
11 men, all of whom were later identified as documented Gardena 13 gang members, loitering in
12 the rear carport of the Properties. As they drove toward the group, they observed an
13 individual, age 37, known to them as an admitted Gardena 13 gang member on active parole
14 for criminal threats, walk to the carport gate and start rolling it closed. They also observed
15 fresh Gardena 13 gang graffiti on the carport walls and two individuals drinking beer from a
16 clear bottle wrapped in a brown paper bag. The 37-year-old gang member, shirtless with
17 multiple gang tattoos visible on his upper body, was ultimately arrested for a parole violation.

18 6. In the summer of 2014, LAPD officers patrolling the area following an assault
19 with a deadly weapon shooting that occurred nearby, observed a group of Gardena 13 gang
20 members hiding in a rear carport at the Properties. Their investigative stop resulted in the
21 arrest of a juvenile, a documented Gardena 13 gang member, for illegal possession of hashish
22 or concentrated cannabis.

23 7. Defendants have owned the Properties since the 1970s in one capacity or
24 another and must be more engaged and committed owners and landlords than they have been
25 to date. The intent of this nuisance abatement prosecution is to ignite such action by
26 Defendants and permanently break the more than a decade-old cycle of gang violence at the
27

28 ³ Hollow point bullets are typically used to inflict maximum tissue damage upon penetration.

1 Properties swiftly and finally.

2 **II. THE PARTIES AND THE PROPERTIES**

3 **A. The Plaintiff**

4 8. Plaintiff, the People, is the sovereign power of the State of California designated
5 in California Code of Civil Procedure section 731 to be the complaining party in actions brought
6 to abate, enjoin, and penalize public nuisances, respectively. Furthermore, the City of Los
7 Angeles has a population in excess of 750,000, and as such, California Business and
8 Professions Code section 17204 authorizes Plaintiff, the People, to prosecute actions for relief
9 under California Business and Professions Code section 17200, *et seq.* for unlawful
10 competition.

11 **B. The Defendants**

12 9. 819 W. 165th Place is currently owned by NARBONNE AVENUE LIMITED
13 PARTNERSHIP ("NARBONNE"), a California Limited Partnership, whose status is currently
14 canceled, according to public records on file with the California Secretary of State. Defendant
15 NARBONNE has owned 819 W. 165th Place since at least 2000, when it was quitclaimed to
16 NARBONNE by Defendants STEPHEN CHI-SEN LI and AMY HUEI-MEI LI, individuals, who
17 acquired it in 1977 and initially held title to it as community property, as husband and wife, until
18 they quitclaimed it to the "Li Living Trust, Dated 10/1/93," according to public records.

19 10. 825 W. 165th Place is currently owned by Defendants STEPHEN CHI-SEN LI and
20 AMY HUEI-MEI LI, who hold title as husband and wife as community property. They have
21 owned 825 W. 165th Place since 1977.

22 11. The true names and capacities of defendants sued herein as Does 1 through 50,
23 inclusive, are unknown to Plaintiff, who therefore sues said defendants by such fictitious
24 names. When the true names and capacities of said defendants have been ascertained,
25 Plaintiff will seek leave of Court to amend this complaint and to insert in lieu of such fictitious
26 names the true names and capacities of said fictitiously named defendants.

27 **C. The Properties**

28 12. The Properties include two side-by-side eight-unit apartment complexes located

1 in the Harbor Gateway area of Southeast Los Angeles. The Properties' legal descriptions are:
2 Lot 32 Block "C" of Town of Gardena, in the City of Los Angeles, as per map recorded in Book
3 43, Page 5 of Miscellaneous Records, in the office of the County Recorder. Assessor's Parcel
4 No. 6121007026, also known as 819 W. 165th Place, Los Angeles, CA 90247; and Lot 31
5 Block "C" of Town of Gardena, in the City of Los Angeles, as per map recorded in Book 43,
6 Page 5 of Miscellaneous Records, in the office of the County Recorder. Assessor's Parcel No.
7 6121007025, also known as 825 W. 165th Place, Los Angeles, CA 90247.

8 III. THE PUBLIC NUISANCE LAW

9 13. Civil Code section 3479 defines a public nuisance as "[a]nything which is
10 injurious to health, including, but not limited to, the illegal sale of controlled substances, or is
11 indecent or offensive to the senses, or an obstruction to the free use of property, so as to
12 interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free
13 passage or use, in the customary manner, of any . . . public park, square, street, or highway . .
14 . ." (See *City of Bakersfield v. Miller* (1966) 64 Cal.2d 93, 99 ("The Legislature has defined in
15 general terms the word 'nuisance' in Civil Code section 3479. . . .").)

16 14. Civil Code section 3480 defines a public nuisance as "one which affects at the
17 same time an entire community or neighborhood, or any considerable number of persons,
18 although the extent of the annoyance or damage inflicted upon individuals may be unequal."

19 15. In particular, gang activity, such as drug dealing, loitering, consumption of alcohol
20 and illegal drugs, and boisterous conduct which creates a "hooligan-like atmosphere"
21 constitutes a public nuisance. (*People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090, 1120.)

22 16. Civil Code section 3491 provides for the methods by which public nuisances
23 such as those alleged herein may be abated. Civil Code section 3491 states that the
24 "remedies against a public nuisance are indictment or information, a civil action or abatement."
25 Abatement is "accomplished by a court of equity by means of an injunction proper and suitable
26 to the facts of each case." (*Sullivan v. Royer* (1887) 72 Cal. 248, 249; see also *People v.*
27 *Selby Smelting and Lead Co.* (1912) 163 Cal.84, 90 ("[I]n California, the rule is well established
28 that in proper cases injunctive relief which accomplishes the purposes of abatement without its

1 harsh features is permissible.".)

2 17. Code of Civil Procedure section 731 authorizes a city attorney to bring an action
3 to enjoin or abate a public nuisance. It provides in relevant part "[a] civil action may be brought
4 in the name of the people of the State of California to abate a public nuisance . . . by the city
5 attorney of any town or city in which such nuisance exists."

6 18. Where "a building or other property is so used as to make it a nuisance under the
7 statute, the nuisance may be abated . . . , notwithstanding that the owner had no knowledge
8 that it was used for the unlawful purpose constituting a nuisance." (*People ex rel. Bradford v.*
9 *Barbiere* (1917) 33 Cal.App. 770, 779; *see also Sturges v. Charles L. Harney, Inc.* (1958) 165
10 Cal.App.2d 306, 318 ("a nuisance and liability therefore may exist without negligence"); *People*
11 *v. McCadden* (1920) 48 Cal.App. 790, 792 ("A judgment supported on findings that such
12 nuisance was conducted and maintained on the premises in question, regardless of the
13 knowledge of the owner thereof, is sufficient. Such knowledge on the part of the owner . . . is
14 unnecessary."); *People v. Peterson* (1920) 45 Cal.App. 457, 460 ("[I]t was not necessary . . .
15 for the trial court to find either, that the [defendants] threatened, and unless restrained, would
16 continue to maintain, aid, and abet, the nuisance, or that they knew the building was used in
17 violation of the act. . . . The existence of the nuisance was the ultimate fact in this case, and
18 having been found, supports the judgment.".) This is because "the object of the act is not to
19 punish; its purpose is to effect a reformation of the property itself." (*People v. Bayside Land*
20 *Co.* (1920) 48 Cal.App. 257, 261.)

21 IV. UNFAIR COMPETITION LAW

22 19. The practices forbidden by California's Unfair Competition Law at Business and
23 Professions Code section 17200 *et seq.* include any practices forbidden by law, be they
24 criminal, federal, state, municipal, statutory, regulatory or court-made. As the California
25 Supreme Court has explained, the UCL "borrows violations of other laws and treats them as
26 unlawful practices independently actionable under section 17200 *et seq.*" (*South Bay*
27 *Chevrolet v. General Motors Acceptance Corp.* (1999) 72 Cal.App.4th 861, 880 (internal
28 citations and quotation marks omitted).)

1 20. As proscribed by the UCL, "[a]n 'unlawful business activity' includes anything that
2 can properly be called a business practice and that at the same time is forbidden by law."
3 (*People v. McKale* (1979) 25 Cal.3d 626, 632.) Moreover, the UCL casts a broad net. "Any
4 person performing or proposing to perform an act of unfair competition may be enjoined"
5 (Bus. & Prof. Code, § 17203.) The term "person" includes "natural persons, corporations,
6 firms, partnerships, joint stock companies, associations and other organizations of persons."
7 (Bus. & Prof. Code, § 17201.) The courts have expanded section 17200's net beyond direct
8 liability to include common law doctrines of secondary liability where the liability of each
9 defendant is predicated on his or her personal participation in the unlawful practices. (*People*
10 *v. Toomey* (1985) 157 Cal.App.3d 1, 14; *Emery v. Visa Int'l Service Ass'n* (2002) 95
11 Cal.App.4th 952, 960.)

12 21. Civil actions under the UCL may be brought in the name of the People of the
13 State of California by any city attorney of a city having a population in excess of 750,000 (Bus.
14 & Prof. Code, § 17204), such as the City of Los Angeles. A public entity can sue pursuant to
15 section 17200 based on violations of its own municipal code, state law, or other local
16 ordinance. (*People v. Thomas Shelton Powers, M.D., Inc.* (1992) 2 Cal.App.4th 330, 338-
17 339.)

18 22. Defendants engaging in violations of the UCL may be enjoined in any court of
19 competent jurisdiction. (Bus. & Profs. Code, § 17203.) A court may make such orders or
20 judgments, including appointment of a receiver, as may be necessary to prevent the use or
21 employment by any person of any practice constituting unfair competition. (*Id.*)

22 23. Although no case has specifically been called upon to define the term "business"
23 in section 17200, courts have frequently given a broad reading to the provisions of the UCL so
24 as to effect its broad remedial purposes. (See, e.g., *Barquis v. Merchants Collection Ass'n*
25 (1972) 7 Cal.3d 94, 111-113.) An enterprise engaged entirely in criminal conduct such as the
26 manufacture of illegal drugs or obscene matter is a business for purposes of section 17200.
27 (*People v. EWAP, Inc.* (1980) 106 Cal.App.3d 315, 320-321.) Moreover, recent amendments
28

1 to section 17200 make clear that even a one-time act of misconduct can constitute a violation
2 of the UCL. (*Klein v. Earth Elements, Inc.* (1997) 59 Cal.App.4th 965, 969.)

3 24. Further, the ownership and operation of a rental apartment complex is,
4 axiomatically, a business. (*See People ex rel. City of Santa Monica v. Gabriel* (2010), 186
5 Cal.App.4th 882, 888 ("The renting of residential housing is a business."); *see also Barquis v.*
6 *Merchants Collection Ass'n*, (1972) 7 Cal.3d 94, 111-113 (giving a broad meaning of the UCL
7 so as to effect its broad remedial purposes).) Thus, when a property owner conducts,
8 maintains or permits a nuisance that is unlawful under the NAL and/or PNL to exist on the
9 premises of such a business, it is a violation of the UCL. (*See San Francisco v. Sainez* (2000)
10 77 Cal.App.4th 1302, 1323.)

11 **V. FIRST CAUSE OF ACTION FOR PUBLIC NUISANCE**

12 **[Civil Code Section 3479, *et seq.* --**

13 **Against All Defendants and DOES 1 through 50]**

14 25. Plaintiff incorporates by reference Paragraphs 1 through 24 of this Complaint and
15 makes them part of this First Cause of Action as though fully set forth herein.

16 26. For over a decade and through the present time, the Properties have been
17 owned, operated, occupied, used, and/or directly or indirectly permitted to be occupied and
18 used, in such a manner as to constitute a public nuisance in violation of Civil Code sections
19 3479 and 3480. The public nuisance, as described herein, is injurious to health, indecent or
20 offensive to the senses, and/or an obstruction to the free use of property, so as to substantially
21 and unreasonably interfere with the comfortable enjoyment of life or property by those persons
22 living in the surrounding community. The public nuisance at and around the Properties
23 consists of, but is not limited to: drive-by shootings; shots fired; the presence of illegal
24 ammunition and firearms; and the threatening and disorderly presence of gang members
25 and/or associates.

26 27. Defendants, and DOES 1 through 50, in owning, conducting, maintaining, and/or
27 permitting the use of the Properties, directly or indirectly, as a public nuisance, have engaged
28 in wrongful conduct and caused a serious threat to the general health, safety and welfare of

1 the persons in the area surrounding the Properties.

2 28. Unless Defendant, and DOES 1 through 50, are restrained and enjoined by order
3 of this Court, they will continue to use, occupy and maintain, and to aid, abet or permit, directly
4 or indirectly, the use, occupation, and maintenance of the Properties, together with the fixtures
5 and appurtenances located therein, for the purpose complained of herein, to the great and
6 irreparable damage of Plaintiff and in violation of California law.

7 **VI. SECOND CAUSE OF ACTION FOR UNFAIR COMPETITION**

8 **[Business and Professions Code Section 17200, et seq. --**

9 **Against All Defendants and DOES 1 through 50]**

10 29. Plaintiff hereby incorporates by reference paragraphs 1 through 28 of this
11 Complaint and makes them part of this Second Cause of Action, as if fully set forth herein.

12 30. Ownership and rental of residential housing, such as the Properties, is a
13 business. When the owner of such a business violates the PNL such that a nuisance exists
14 and flourishes at the business' premises, as set forth herein, it is also a violation of the UCL.

15 31. Defendant and DOES 1-50 have violated the UCL by engaging in the following
16 unlawful or unfair business acts and practices: conducting, maintaining and/or permitting,
17 directly or indirectly, gang-related criminal and/or nuisance activity at the Properties, as alleged
18 herein, in violation of the PNL.

19 32. Plaintiff has no adequate remedy at law, and unless Defendants and DOES 1-50
20 are restrained by this Court they will continue to commit unlawful business practices or acts,
21 thereby causing irreparable injury and harm to the public's welfare.

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1 PRAYER

2 WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE AND
3 DECREE AS FOLLOWS:

4 AS TO THE FIRST CAUSE OF ACTION

5 1. That the Properties, together with the fixtures and moveable property therein and
6 thereon, be declared a public nuisance and be permanently abated as such in accordance with
7 California Civil Code section 3491.

8 2. That all individual Defendants and an officer and/or representative of any entity
9 Defendant be ordered to reside in the Properties until the nuisance is abated.

10 3. That each Defendant and their agents, officers, employees and anyone acting on
11 their behalf, and their heirs and assignees, be preliminarily and perpetually enjoined from
12 operating, conducting, using, occupying, or in any way permitting the use of the Properties as
13 a public nuisance. Such orders should include, but not be limited to physical and managerial
14 improvements to the Properties, and such other orders as are appropriate to remedy the
15 nuisance on the Properties and enhance the abatement process.

16 4. Such costs as may occur in abating said nuisance at the Properties and such
17 other costs as the Court shall deem just and proper.

18 5. That Plaintiff be granted such other and further relief as the Court deems just and
19 proper, including closure and/or demolition of the Properties.

20 AS TO THE SECOND CAUSE OF ACTION

21 1. That each Defendant be declared in violation of Business and Professions Code
22 section 17200.

23 2. That each Defendant, as well as their agents, heirs, successors, and anyone
24 acting on its behalf, be permanently enjoined from maintaining, operating, or permitting any
25 unlawful or unfair business acts or practices in violation of Business and Professions Code
26 section 17200.

27 3. That the Court grant a preliminary and/or permanent injunction prohibiting each
28 Defendant, as well as their agents, heirs, successors, and anyone acting on their behalves,

1 from engaging in the unlawful or unfair acts and/or practices described herein at the Properties
2 and in the City of Los Angeles. Such orders should include physical and managerial
3 improvements to the Properties.

4 4. That, pursuant to Business and Professions Code section 17206, each
5 Defendant be assessed a civil penalty of \$2,500 for each and every act of unfair competition.

6 5. That, pursuant to the Court's equitable power and Business and Professions
7 Code section 17203, the Court make such orders or judgments, including appointment of a
8 receiver, to eliminate the unlawful or unfair competition alleged herein.

9
10 AS TO ALL CAUSES OF ACTION

11 1. That Plaintiff recover the amount of the filing fees and the amount of the fee for
12 the service of process or notices which would have been paid but for Government Code
13 section 6103.5, designating it as such. The fees may, at the Court's discretion, include the
14 amount of the fees for certifying and preparing transcripts.

15 2. That Plaintiff be granted such other and further relief as the Court deems just and
16 proper.

17
18 DATED: November 9, 2015

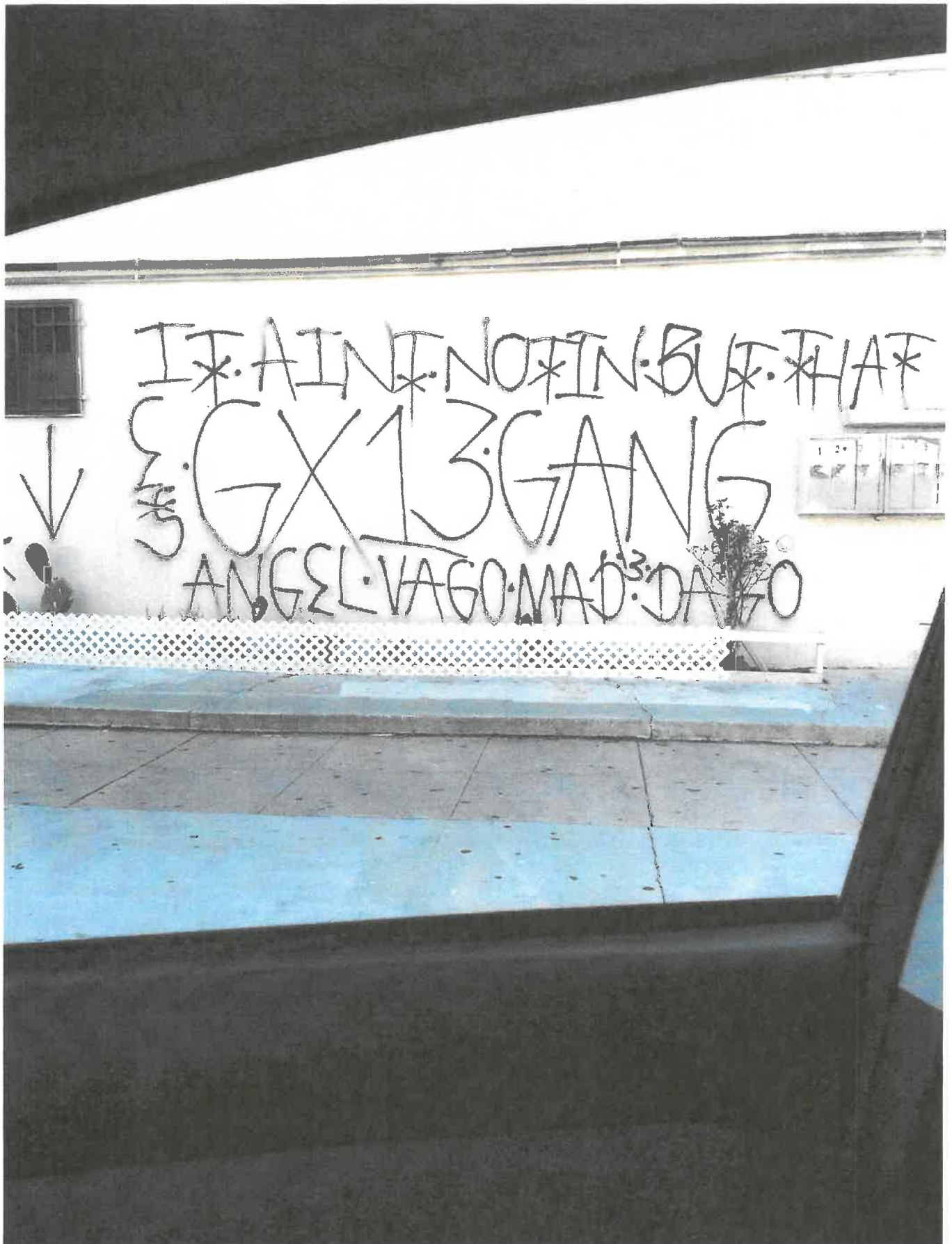
Respectfully submitted,

19 MICHAEL N. FEUER, City Attorney
20 JONATHAN CRISTALL, Superv. Assist. City Attorney

21
22 By: 

23 LIORA FORMAN-ECHOLS
24 Attorneys for Plaintiff, THE PEOPLE OF THE
25 STATE OF CALIFORNIA
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27
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EXHIBIT A





















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